

MT LEGISLATIVE HISTORY

Chapter 188 1957

Bill H 399 S _____

Original bill & hist. C

H. Committee on Township & Counties

S. Committee on County Affairs

Hearing Date(s) _____ C

Hearing Date(s) Feb 26 ☒ C

No discussion _____ C
of HB 399 was _____ C
found in the House _____ C
Committee _____ C

Date Out _____ C

Feb 26 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

February 26, 1957

SENATE COMMITTEE ON COUNTY AFFAIRS

A meeting of the Senate Committee on County Affairs was called to order by the Chairman, Senator Hofland, at 12:00 noon, on February 26, 1957, in Room 404 of the Capitol Building.

Roll was called and all members were present with the exception of Senator Keller.

The first bill under consideration was House Bill 455. Mr. Ben Hagerman, County Commissioner from Yellowstone County, spoke first. "In Yellowstone County, we have been doing alot of subdividing and we have acquired a lot of park lands outside of the city limits. The neighborhood around this land wants to develop this. We suggested they get legislation to do this. Most of these neighborhoods are made of of young people with children. We think it is very necessary and certainly will be used. There is no way presently for the counties to develop these parks. There is a provision in this bill to form a district as it is in other districts."

Mr. Willard Fraser continued, "Everyone in these areas wants something done and they finally drew up a bill. Mr. Hancock has several letters to turn over to the committee about this. This bill would help create and beautify our counties, and there are ample provisions to protect people living adjacent to these areas."

John Cavin, County Attorney from Yellowstone County, spoke next on House Bill 399. "This bill is to provide a revolving fund which could be loaned to special improvement districts for the purpose of paying interest and principal on the outstanding bonds. It is similar to the provision which cities already have for this purpose. Under the law as it now stands, the contractor is paid in bonds. He must negotiate for these. They bear a high interest rate. For this reason they are not very favorably received and the cost is creating quite a bit of difficulty. The provisions for a revolving fund is already in the law as far as cities are concerned, and we feel it would be a tremendouc advantage to the county to have such a fund for the county to be able to back up their special improvements bonds. We feel the bill is highly desirable and I can't see any real objectional features to it."

Hagerman: I want to emphasize the fact that it is already compulsory for municipalities to have a fund of this kind, and it would be a great saving to the people in the district in letting the bids and on interest on the bonds if they didn't have to pay so much interest. Any improvement district as it now stands is a lien against the property anyway.

Representative Hancock from Yellowstone County, spoke on House Bill 455. "There is a section in our county I am very much interested in and that is the Huntley Project. The boundary line was taken in as school district 24 and they have formed a district with the same boundary lines. In 1907 for

done under the specification. I think it is a case of finding money to prove that the counties point is right.

Kavin: I want to make my position clear. The contractor is not here. There is no question in my mind that the contractor is not in complete good faith. There is an honest difference of opinion between these two parties. The problem is that some way or another the money has to be provided to complete that district. We can't just let go what we have already paid and have a worthless bunch of tile in the ground. We have to get this completed for one thing the bid was too low in the first place.

Hofland: Who was your contractor?

Kavin: Senator Manning.

Morrison: Senator Manning told the public when this was being discussed at a public meeting. The county engineer, who had originally been in charge of this project was told by Manning that if the enginner would make a water githe line under the specifications, that he (Manning) would be stuck for the bill.

Hagerman: We would like authority to issue the bonds so that we can pay off the contract.

Mr. Hagerman spoke on the bill to increase the constable's salary from \$1500 to \$2400. "I don't think the \$200 per month is too much. They are in the office all day and are going a good job and they are capable, honest men."

Senator Streeter made the motion that this committee re-refer House Bill 433 to the Judiciary Committee. This motion was seconded by Senator McKenna and the motion carried.

Senator Brenner asked that the committee hold up action on House Bill 455 for further study.

On House Bill 297, Senator Brenner moved that this be amended (see report). Senator Wenz seconded the motion and the motion carried.

Senator Streeter moved that the committee "concur in" House Bill 297 as amended. Senator Brenner seconded the motion and the motion carried.

Senator Wenz moved that the committee "concur in" House Bill 399. The motion was seconded by Senator McKenna and the motion carried.

Senator Goodwin made the motion that the committee "do not concur" in House Bill 448. This motion was seconded by Senator McKenna and the motion carried.

There being no further time, the meeting was adjourned.

Chairman

CHAPTER 188

An Act Relating to Rural Special Improvement Districts in Counties; Authorizing the Creation, Maintenance and Use of a Rural Special Improvement District Revolving Fund in any County for the Purpose of Securing Prompt Payment of Rural Special Improvement District Bonds and Warrants and Interest Thereon, and Requiring Levy of Taxes When Necessary for the Financial Requirements of Such Fund; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The board of county commissioners of any county in the state which may hereafter create any rural special improvement district or districts for any purpose shall, in order to secure prompt payment of any special improvement district bonds or warrants issued in payment of improvements made therein, and the interest thereon as it becomes due, create, establish, and maintain by resolution a fund to be known and designated as "rural special improvement district revolving fund."

Section 2. For the purpose of providing funds for such revolving fund the board of county commissioners

(1) may in its discretion, from time to time, transfer to the revolving fund from the general fund of the county such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be deemed and considered, and shall be, loans from such general fund to the revolving fund; and

(2) shall, in addition to such transfer or transfers from the general fund, or in lieu thereof, levy and collect for such revolving fund such a tax, hereby declared to be for a public purpose, on all the taxable property in such county as shall be necessary to meet the financial requirements of such fund, such levy, together with such transfer, not to exceed in any one year five per centum (5%) of the principal amount of the then outstanding rural special improvement district bonds and warrants.

Board of county commissioners authorized to create rural special improvement districts and rural special district revolving fund.

Provision for funds.

Loans from general fund.

Levy and collect tax.

Maximum levy.

Section 3. (1) Whenever any rural special improvement district bond or warrant, or any interest thereon, shall hereafter become due and payable, and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the board of county commissioners, be loaned by the revolving fund to such district fund, and thereupon such bond or warrant or such interest thereon shall be paid from the money so loaned or from the money so loaned when added to such insufficient amount, as the case may require.

Loan for deficiency for warrants, bonds or interest.

(2) In connection with the issuance of rural special improvement district bonds or warrants, the board of county commissioners may undertake and agree to issue orders annually authorizing loans or advances from the revolving fund to the district fund involved in amounts sufficient to make good any deficiency in the bond and interest accounts thereof to the extent that funds are available, and may further undertake and agree to provide funds for such revolving fund pursuant to the provisions of section 2 of this act by annually making such tax levy (or, in lieu thereof, such loan from the general fund) as the board of county commissioners may so agree to and undertake, subject to the maximum limitations imposed by said section 2 of this act, which said undertakings and agreements shall be binding upon said county so long as any of said special improvement district bonds or warrants so offered, or any interest thereon, remain unpaid.

Annual orders for loans or advances for deficiencies in bond and interest account.

Provisions of section 2 may apply.

Section 4. Whenever any loan is made to any rural special improvement district fund from the revolving fund, the revolving fund shall have a lien therefor on the land within the district which is delinquent in the payment of its assessments, and on all unpaid assessments and installments of assessments on such district, whether delinquent or not, and on all moneys thereafter coming into such district fund, to the amount of such loan, together with interest thereon from the time it was made at the rate, or percentage, borne by the bond or warrant for payment of which, or, of interest thereon, such loan was made; and whenever there shall be moneys in such district fund which are not required for payment of any bond or warrant of such district,

Lien for amount of loans on land within the district, on unpaid assessments and all moneys coming into district fund.

Interest.

Transfer
back to
revolving fund.

Excess money
in district
fund trans-
ferred to
revolving fund.

Foreclosure
of lien for
debt.

Excess in
revolving fund
to be trans-
ferred to
general fund.

Severability
clause.

Repealing
clause.

or of interest thereon, so much of such moneys as may be necessary to pay such loan shall, by order of the board of county commissioners, be transferred to the revolving fund; and after all the bonds and warrants issued on any rural special improvement district have been fully paid, all moneys remaining in such district fund shall by the order of the board be transferred to and become part of the revolving fund; if after all the bonds and warrants issued on any rural special improvement district have been fully paid and all moneys remaining in such district fund have been transferred to the revolving fund there still remains a debt from the district to the revolving fund, the board of county commissioners may foreclose the lien upon property within the district owing unpaid assessments to the district for the purpose of paying off said loan to the revolving fund.

Section 5. Whenever there is in the revolving fund an amount in excess of the amount which the board deems necessary for payment or redemption of maturing bonds or warrants or interest thereon, the board may order such excess or any part thereof transferred to the general fund of the county.

Section 6. If any clause, sentence, paragraph, section, or other part whatsoever, of this act shall for any reason be held to be invalid or inoperative, the remainder of this act shall not thereby be invalidated, impaired, or in anywise affected, and such holding shall be confined in its effect to the clause, sentence, paragraph, section, or other part of this act, directly adjudged to be invalid or inoperative.

Section 7. All acts and parts of acts in conflict with this act are hereby repealed to the extent of such conflict.

Approved March 8, 1957.

CHAPTER 189

An Act to Provide for the Annexation by any Municipality of Land Contiguous Thereto Which is Owned by the United States, the State of Montana, or any Agency, Instrumentality, or Political Subdivision of Either, or in Which Any of the Foregoing Have a

Beneficial Interest; Providing for the Method of Annexation; Confirming Prior Annexations of Such Land; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any land contiguous to a municipality is owned by the United States or by the State of Montana, or by any agency, instrumentality, or political subdivision of either, or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous, and may be annexed thereto and made a part thereof, in the following manner:

Incorporation
and annexation
of contiguous
land by cities.

1. The administrative head of the owner of the land, or the administrative head of the holder of a beneficial interest in the land, shall file with the clerk of the municipality a description of the land, a certification of ownership or of beneficial interest therein, and a statement that the owner of, or the holder of, the beneficial interest in the land desires to have it annexed. Whereupon, the governing body of the municipality shall pass a resolution reciting its intention to annex the land and setting a time and place for a public hearing thereon.

Procedure for
annexation.
Owner to file
description
and statement.

2. The clerk of the municipality shall forthwith cause to be published in the newspaper nearest such land, at least once a week for two successive weeks, a notice that such resolution has been duly and regularly passed, and that for a period of twenty (20) days after the first publication of such notice, such clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of the municipality. Said notice shall also state the time and place set for the public hearing on the proposed annexation.

Resolution of
intention—
public hearing.

Publication
of notice of
resolution.

3. At the time and place set for the public hearing aforesaid, the governing body of the municipality shall hear all persons and all things relative to the proposed annexation, and if the governing body shall find that it is to the best interests of the municipality and its inhabitants to annex the land, it shall adopt a resolution of annexation of the land.

Hearing.

Resolution of
annexation.